

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE TRUSTEES OF THE
UNITE HERE NATIONAL HEALTH FUND AND
THE TRUSTEES OF THE
UNITE HERE NATIONAL RETIREMENT FUND,
Plaintiffs,

against

METROSTATE HOSPITALITY CORP.
D/B/A HOLIDAY INN AND CONFERENCE CENTER,
Defendant.


**NOTICE OF DISMISSAL
PURSUANT TO RULE 41(A)
07 Civ. 3454 (DC)**

SIRS:


PLEASE TAKE NOTICE, that The Trustees of the UNITE HERE National Health Fund and The Trustees of the UNITE HERE National Retirement Fund (hereinafter, the "Plaintiffs"), having commenced the within action by filing the Summons and Complaint on May 1, 2007, and a copy of the Summons and Complaint having been served on Metrostate Hospitality Corp., D/B/A Holiday Inn and Conference Center (hereinafter, the "Defendant"), and no Answer, Counterclaim nor Motion for Summary Judgment having been served by the Defendant, and it being the Plaintiffs' intention to voluntarily dismiss this action without prejudice;

THEREFORE, pursuant to the provisions of Rule 41(a) of the Federal Rules of Civil Procedure, the within action is hereby voluntarily dismissed without prejudice.

Dated: June 1, 2007
New York, New York


Mark Schwartz, Esq. – MS 0148
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SO ORDERED:


Denny Chin
United States District Court Judge

6/11/07

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 6/11/07
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